

**NEVADA DEPARTMENT OF  
CONSERVATION & NATURAL RESOURCES**

**STATE ENVIRONMENTAL COMMISSION**

**HEARING ARCHIVES FOR**

**REGULATORY PETITIONS**

**COMMISSION PETITION NO. 2001-04**

**LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-039-01**

**DOCUMENTS INCLUDED IN THIS FILE:**

**YES SECRETARY OF STATE FILING FORM**

**YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B**

**REGULATORY PETITIONS**

**ORIGINAL DRAFTED BY COMMISSION**

**ADOPTED BY COMMISSION**

**YES AS FILED AND CODIFIED BY LCB**

Secretary of State  
Filing Data

**For Filing Administrative  
Regulations**

For Emergency  
Regulations Only

Effective Date

Expiration Date

Governor's Signature

**State Environmental Commission**

Classification ☐ Proposed ☐ Adopted By Agency ☒ Temporary ☐ Emergency ☐

**Brief description of action:** **Petition 2001-04 (LCB R-039-01)** permanently amends NAC 444A. The proposed permanent regulation prescribes the paper and paper product recycling procedures for state agencies. The regulation provides criteria for exemption from the recycling requirements, provides for clearly labeled containers, establishes reporting criteria by state agencies and requires a building recycling plan to be submitted to the Division of Environmental Protection.

**Authority citation other than 233B:** NRS 232.007

**Notice date:** January 16, 2001, January 25, 2001 and January 30, 2001 (Temporary); August 20, August 29 and September 6, 2001 (Permanent)

**Hearing date:** May 10, 2001 (Temporary); September 18, 2001 (Permanent)

**Date of Adoption of Agency:** May 10, 2001 (Temporary); September 18, 2001 (Permanent)

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED  
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066  
PETITION 2001-04 LCB File R-039-01  
STATE ENVIRONMENTAL COMMISSION**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 444A. This permanent regulation deals with amendments to the solid waste recycling program..

**1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

**Petition 2001-04 (LCB R-039-01)**, was noticed three (3) on January 16, January 25 and January 30, 2001 as a temporary regulation and August 20, August 29 and September 6 2001 as a permanent regulation in the Las Vegas Review Journal and the Reno-Gazette-Journal newspapers. Regulatory workshops were conducted by the Nevada Division of Environmental Protection's Bureau of Waste Management on October 18, 2000 in Carson City, October 20, 2000 in Las Vegas. The temporary regulation was adopted by the State Environmental Commission on May 10, 2001 and September 18, 2001 as a permanent regulation. No oral or comments opposing or supporting the regulation were received by the Commission. One exhibit (#4) from the Dairy Commission supporting the temporary regulation was received and none were received as a permanent regulation. The public was also mailed the notice of intent and agenda through the Environmental Commission's mailing list. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 extension 3118, or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

**2. The number persons who:**

<b>(a)</b>	<b>Attended each hearing;</b>	35
<b>(b)</b>	<b>Testified at each hearing:</b>	0
<b>(c)</b>	<b>Submitted to the agency written comments:</b>	0

**3. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. See above statement for dates of the public notices and public workshops. No oral or written testimony was received that opposed or supported the regulation during temporary and permanent adoption. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The regulation was adopted by the State Environmental Commission on September 18, 2001 without any proposed amendments.

**5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

(a) Estimated economic effect of the regulation on the business which it is to regulate;

The regulated business community may encounter some startup costs to provide a collection service at public buildings. There may be a modest beneficial long term economic effect on recycling businesses because of the potential to increase the amount of recyclable commodities diverted from disposal.

(b) Estimated economic effect on the public;

The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There will be no additional cost to the Division of Environmental Protection for enforcement of these amendments.

**7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The regulations do not overlap or duplicate any regulations of another state or local governmental agency.

**8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

The regulations are no more stringent than federal regulations. There is no federal regulation that requires recycling collection services be provided to public buildings.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The amendment does not provide a new fee and nor does it amend existing fees.

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# FILED PERMANENT REGULATION OF THE NEVADA STATE ENVIRONMENTAL COMMISSION

LCB File No. R039-01

Effective October 25, 2001

EXPLANATION – Matter in *italics* is new; matter in brackets ~~to be omitted~~ is material to be omitted.

AUTHORITY: §1, NRS 232.007.

**Section 1.** Chapter 444A of NAC is hereby amended by adding thereto a new section to read as follows:

*1. A state agency shall provide for the separation, collection and recycling of paper and paper products that the agency generates in the course of its operations. To carry out this requirement, a state agency shall, for each facility it operates, determine:*

*(a) What recycling services are available locally for the collection or aggregation of paper and paper products;*

*(b) The types of paper and paper products for which recycling services are available;*

*(c) The types of paper and paper products generated by the agency for which recycling services are available;*

*(d) The cost to the agency, if any, or the reimbursement available to the agency, if any, for the paper and paper products separated by the agency; and*

*(e) Based on the information gathered pursuant to paragraphs (a) to (d), inclusive, what types of paper and paper products the agency should cause to be recycled at the facility.*

*2. Upon making its determination pursuant to subsection 1, a state agency shall take such actions at each of its facilities as are necessary to establish a system for the separation, collection, storage and transportation of the paper and paper products to be recycled. Such actions may include, without limitation:*

*(a) The placement of containers for the separation and aggregation of the paper and paper products in locations for the convenient use of all employees of the agency at the facility;*

*(b) If members of the public are commonly present at the facility of the agency and likely to generate recyclable paper and paper products, the placement of clearly labeled containers for use by the members of the public to separate the paper and paper products;*

*(c) Arrangements for the removal of the paper and paper products to a centralized location for collection; and*

*(d) Agreements with a service provider, or the assignment of such equipment and personnel as may be necessary, to transport the paper and paper products to a recycling center.*

*3. A state agency shall establish a program to encourage its personnel to recycle and to inform them how to recycle paper and paper products efficiently.*

*4. If a state agency determines that the cost to cause the recycling of paper and paper products generated by the agency at one of its facilities is unreasonable and would place an undue burden on the operations of the agency at that facility, the agency shall present supporting information to the chief of the budget division of the department of administration and request a waiver in accordance with NRS 232.007 from the requirement to recycle paper and paper products at the facility.*

*5. If a state agency determines that services are available locally for the recycling of recyclable materials generated by the agency other than paper and paper products, the agency may expand its program for recycling to include the recycling of those materials.*

*6. The division of environmental protection of the state department of conservation and natural resources shall, upon request from a state agency, provide technical assistance concerning the establishment of programs for recycling and the reduction of waste.*

*7. If a state agency is composed of more than one bureau, board, commission, department, division or office, the entities that compose the agency shall coordinate efforts to establish a single program for the recycling of paper, paper products and, if applicable, other recyclable materials.*

*8. As used in this section:*

*(a) "Paper" has the meaning ascribed to it in NRS 232.007.*

*(b) "Paper product" has the meaning ascribed to it in NRS 232.007.*

*(c) "Recyclable material" has the meaning ascribed to it in NAC 444A.100.*

*(d) "State agency" means every public agency, bureau, board, commission, department, division or office of the executive department of state government.*

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